

REMARKS

Background

In the Advisory Action, the Examiner refused to enter the Response. A Request for Continued Examination (RCE) has now been filed along with a two-month Extension of Time. The RCE requests entry of the Response and it is requested that a Response along with following Remarks be considered by the Examiner.

Claim Status

All of the independent claims in this case now recite that isoelectro focusing is used for separation. This limitation had been in Claim 26 alone. Fuhr was the only reference cited against Claim 26 and had been cited to teach isoelectric focusing. Because of the amendments made in the Response, it is deemed that the other rejections are now moot.

Fuhr

Fuhr uses electric field flow fractionation (eFFF) to separate his microbes, see Column 1, line 66. Electric field flow fractionation is not isoelectric focusing. In eFFF, as taught by Fuhr, the electric field is used to draw the microbes

to the side of the tube and the flow of fluid in the tube is used to cause the flow of the particles down the tube.

In contrast, the present Invention used isoelectric focusing to cause the microbes to bunch or focus in the tube and uses the electric field to cause the microbes to flow down the tube. Thus, the present Invention uses its electric field in a different way to obtain a different result than Fuhr. In the present Invention, the particles are grouped together, while in Fuhr, the particles are caused to flowing towards the side walls. Furthermore, in the present Invention, the electric field causes the flow of the particles down the tube while in Fuhr, he uses the flow of the water in the tube to cause the particles to move down the tube.

Thus, the process used in the present Invention employs an electric field for different purposes and to obtain a different result than Fuhr.

In order to avoid any misunderstanding, it will be noted that on page 18, line 18 of the previously filed Response, Fuhr is stated as producing an electropherogram. Figures 2-5 are not electropherograms.

Two-month Extension of time

Applicant hereby petitions for a two-month extension of time with respect to the above-identified Application in order to maintain the case in pending condition through January 2, 2006. PTO Form 2038 is enclosed herewith authorizing payment of the appropriate government extension fee. Should any further fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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